## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

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8888

PRL USA HOLDINGS, INC., a
Delaware Corporation,

Plaintiff,

v.

MERCURY BEACH-MAID, INC., a
New York Corporation, REGENT
INTERNATIONAL CORPORATION, a
New York Corporation CALICO
INTERNATIONAL, a Texas and
Corporation, TOM D'ANTONIO

**Defendants** 

JAN 2 7 2006

CLERK, U.S. DISTRICT COURT

By

Deputy

CAUSE NO. 3: 060175-6

PERMANENT INJUNCTION AND FINAL JUDGMENT ON CONSENT AS TO DEFENDANTS MERCURY BEACH-MAID, INC. AND TOM D'ANTONIO

Plaintiff, PRL USA Holdings, Inc. ("Plaintiff"), having commenced this action for an injunction and other relief against, *inter alia*, defendants Mercury Beach-Maid, Inc. and Tom D'Antonio ("Settling Defendants") pursuant to the Lanham Act, 15 U.S.C. §1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473, and under the laws of the State of Texas, alleging that Settling Defendants engaged in manufacturing, importing, exporting, distributing, offering for sale and/or selling, among other things, of products that bear counterfeits and/or imitations of Plaintiff's trademarks as described and defined in the Plaintiff's complaint (collectively "Plaintiff's Trademarks"); and

Settling Defendants, having entered into a Settlement Agreement with Plaintiff and having stipulated to entry of a Permanent Injunction and Final Judgment; and

The parties, having indicated below their consent to the form and entry of this Permanent Injunction and Final Judgment on Consent.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Settling Defendants, their agents, servants, employees, representatives, confederates, affiliates and any other persons or entities acting in concert or participation with them, are permanently enjoined and restrained from:

- (a) Using Plaintiff's Trademarks or any reproduction, counterfeit, copy, or colorable imitation of Plaintiff's Trademarks, in connection with the importation, exportation, manufacture, distribution, advertising, printing of labels, promotion, offer for sale and/or sale of products which are not genuine products of Plaintiff, or in any manner likely to cause others to believe Settling Defendants' products or another's products are connected with Plaintiff or Plaintiff's products unless they are so connected;
- (b) Passing off, inducing or enabling others to sell or pass off any products which are not Plaintiff's products as Plaintiff's products;
- (c) Committing any other acts that cause purchasers or prospective purchasers to believe Scttling Defendants' or another's products are Plaintiff's products unless they are such;
- (d) Manufacturing, importing, exporting, shipping, delivering, distributing, advertising, printing labels, offering for sale, selling and/or otherwise moving or disposing of products falsely bearing one or more of Plaintiff's Trademarks or any reproduction, counterfeit, copy, or colorable imitation of same;
- (e) Making any representations, orally or in writing, to any member or segment of the public or the business or financial community, that they is authorized, licensed or otherwise permitted by Plaintiff to manufacture, export, import, ship, deliver, print labels for, distribute, offer for sale and/or sell Plaintiff's products when it is not authorized, licensed or permitted by Plaintiff or by operation of law; and
- (f) Assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a)-(e); and

IT IS FURTHER ORDERED, that this Court has jurisdiction over the parties, and the subject matter of the action. This Court shall retain jurisdiction to the extent necessary to enforce this Injunction and the Settlement Agreement between the parties, which is hereby made a part hereof and incorporated by reference, and to determine any issues that may arise under either.

**CONSENTED TO BY PRL USA** HOLDINGS, INC.

Dated: 17706

**Katherine Compton** State Bar No. 04652100 600 Three Galleria Tower 13155 Noel Road

Dallas, Texas 75240 Tel: (972) 419-1250 Fax: (972) 419-1251

G. Roxanne Elings (Admitted Pro Hac Vice) David Saenz (Admitted Pro Hac Vice) MetLife Building 200 Park Avenue, 34th Floor New York, NY 10166

Tel: (212) 801-9200 Fax: (212) 801-6400

**CONSENTED TO BY MERCURY BEACH-MAID, INC. AND TOM D'ANTONIO** 

Charles M. Hosch

State Bar No. 10026925

Hoyan by Jum Cryo Strasburger & Price, LLP 901 Main Street, Suite 4400

Dallas, Texas 75202

Tel: (214) 651-4300 Fax: (214) 651-4330

SO ORDERED

Dated: 427, 2006

UNITED STATES DISTRICT JUDGE